

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 16-CR-21

SAMY M. HAMZEH,

Defendant.

**HAMZEH'S RESPONSE TO GOVERNMENT'S APPEAL
OF THE MAGISTRATE JUDGE'S ORDER**

On March 8, 2018, Magistrate Judge Duffin issued an order directing the government to release all underlying documentation regarding payments made to the informants. The Magistrate Judge determined that the order was warranted because the documents were material to the preparation of the defense as they would show whether the informants were biased or improperly motivated. In response, the government provides no reason why that documentation should not be released under Rule 16 or *Brady*, and doesn't explain why the Magistrate Judge's conclusion is in error, but suggests that the Court impose some unknown limitation on the production of the material under CIPA.

Obviously, Hamzeh has a significant disadvantage in responding to the government's submission because he has no idea what the government's claimed reason is for not simply producing the documentation regarding the payments to the informants. For reasons that Hamzeh previously has provided, that information is material and

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exculpatory. Further, Hamzeh has reviewed voluminous discovery in this case and has seen nothing that reasonably could be characterized as implicating a national security interest. In order for Hamzeh to receive a fair trial, the government must provide information concerning what benefits the informants have received from the government because it's probative of bias. And the specific documentation will serve as an "effective tool" for disciplining witnesses.

Accordingly, the Court should reject the Government's appeal of the Magistrate Judge's order to produce the documentation showing payments to the informants.

Dated at Milwaukee, Wisconsin this 23rd day of April, 2018.

Respectfully submitted,

/s/ Craig W. Albee
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